

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Silke Hein, Brigitte Sohling, Gerhard Gottschalk, and Alexander Steinbuchel

Serial No.: 09/380,773

Art Unit: 1652

Filed: September 3, 1999

Examiner: Y. Pak

For: "METHODS FOR BIOSYNTHESIS OF POLYESTERS"

Assistant Commissioner for Patents
Washington, D.C. 20231

DECLARATION UNDER 37 C.F.R. § 1.131

Sir:

We, Silke Hein, Brigitte Sohling, Gerhard Gottschalk, and Alexander Steinbuchel, hereby declare that:

1. We are the co-inventors of the above-identified application.
2. Claims 38-42, 44-61, and 64 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,117,658 to Dennis et al. ("Dennis"). Claims 38, 39, and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,117,658 to Dennis et al. ("Dennis"), in view of U.S. Patent No. 5,512,468 to Greener ("Greener").
3. The claims are drawn to methods for the preparation of a polyester. The methods comprise culturing recombinant cells under conditions suitable for the production of the polyester, wherein the recombinant cells have been genetically engineered to express a polyhydroxyalkanoic acid synthase and a fatty acid:acyl-coenzyme A transferase protein under the control of a single promoter.

30237-1

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MOBT 136
07703200056#21
D.G.J
7/17/03

U.S.S.N. 09/380,773

Filed: September 3, 1999

DECLARATION UNDER 37 C.F.R. § 1.132

4. We had conceived and reduced to practice the claimed methods prior to February 13, 1997, the earlier claimed priority date of the filing of U.S. Patent No. 6,117,658, as demonstrated by the attached copies of the FEMS Microbiology Letters reference and letter, dated January 21, 1997, transmitting the FEMS Microbiology manuscript for peer review.

5. We declare that all statements made herein of our own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further, that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 04 06. 2003Silke Hein
Silke Hein

Date: _____

Brigitte Sohling

Date: _____

Gerhard Gotschalk

Date: _____

Alexander Steinbuchel

ATL1 #342537 v1

542537 v1

2

MOBT 106
071832/000756

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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542675.1

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MOIST 116
077332/00056

U.S.S.N. 09/380,773

Filed: September 3, 1999

DECLARATION UNDER 37 C.F.R. § 1.132

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Date: _____

Silke HeinDate: May 30th 2003_____
Brigitte Söhling
Brigitte Söhling

Date: _____

Gerhard Gottschalk

Date: _____

Alexander Steinbuechel

ATL 1 45-12887 v1

5-23-03

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MOST 136
07/03/00056

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541837v1

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MOBT 136
07183200056

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Filed: September 3, 1999

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Date: _____

Silke Hein

Date: _____

Brigitte SoblingDate: May 30, 2003_____
Gerhard Gottschalk

Date: _____

Alexander Steinbuechel

ATL1 #542837 v1

542837v1

2

MONT 136
07703200056

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J42837v1

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M087 126
07783200036

U.S.S.N. 09/380,773

Filed: September 3, 1999

DECLARATION UNDER 37 C.F.R. § 1.132

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Date: _____

Silke Hein

Date: _____

Brigitte Sohling

Date: _____

Gerhard GottschalkDate: May 29, 2003_____
Alexander Steinbuchel

ATLI 3542897 v1

5471374

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MOBT 124
077832/00036